

## The Gazette of India



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No. 4] NEW DELHI, SATURDAY, JANUARY 26, 1952

## NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 22nd January 1952 :—

Issue No.	No. and Date	Issued by	Subject
14	S. R. O. 71, dated the 10th January 1952.	Ministry of Law	List of valid nominations for election to the House of the People from certain Constituencies of Bhopal.
	S. R. O. 72, dated the 10th January 1952.	Ditto.	List of valid nominations for election to the House of the People and Electoral College from certain Constituencies of Manipur.
15	S. R. O. 73, dated the 10th January 1952.	Ditto.	List of valid nominations for election to the House of the People from certain Constituencies of Vindhya Pradesh.
	S. R. O. 74, dated the 10th January 1952.	Ditto.	Corrections made in the Delimitation of Parliamentary and Assembly Constituencies (Madhya Bharat) Order, 1951.
15A	S. R. O. 74, dated the 10th January 1952.	Ditto.	Corrections made in the Delimitation of Assembly Constituencies (Bhopal) Order, 1951.
16	S. R. O. 75, dated the 11th January 1952.	Ditto.	Further amendments made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.
17	S. R. O. 76, dated the 11th January 1952.	Ditto.	Further amendments made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.
18	S. R. O. 77, dated the 12th January 1952.	Ditto.	List of valid nominations for election to the House of the People and Electoral College from certain Constituencies of Saurashtra.
	S. R. O. 78, dated the 12th January 1952.	Ditto.	List of valid nominations for election to the House of the People from certain Constituencies of Delhi.

Issue No.	No. and Date	Issued by	Subject
	S. R. O. 79, dated the 12th January 1952.	Ministry of Commerce and Industry.	Permission given to Newspaper's proprietors to publish extra pages on Republic day.
	S. R. O. 80, dated the 10th January 1952.	Ministry of Information and Broadcasting.	Appointments of certain members in the Central Board of Film Censors.
10	S. R. O. 82, dated the 15th January 1952.	Ministry of Law	List of valid nominations for election to the House of the People from Coorg Constituency.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

### PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).**

#### MINISTRY OF HOME AFFAIRS

*New Delhi, the 18th January 1952*

**S.R.O. 111.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Andaman and Nicobar Islands Entertainments Tax Regulation, 1951 (No. 1 of 1951), the Central Government hereby appoints the 1st March 1952 as the date on which the said Regulation shall come into force.

[No. 58/5/50-A.N.]

E. C. GAYNOR, Dy. Secy.

*New Delhi, the 21st January 1952*

**S.R.O. 112.**—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt Dr. Harihar Banerjee from the operation of the prohibitions and directions contained in section 6 of the said Act in respect of one .303 rifle and one .43 bore automatic pistol together with connected ammunition, if any.

[No. 9/53/51-Police(I).]

U. K. GHOSHAL, Dy. Secy.

#### MINISTRY OF FINANCE (Department of Economic Affairs)

*New Delhi, the 16th January 1952*

**S.R.O. 113.**—In exercise of the powers conferred by section 20 of the Indian coinage Act, 1908 (III of 1906), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Finance Department No. D.1506-F, dated the 12th February, 1942, namely:—

In part II of the Schedule annexed to the said notification after entry 19 the following entry shall be added, namely:—

“20. The Sangli Bank, Limited.”

[No. 11(6)-F.I/51.]

S. K. SEN, Dy. Secy.

## MINISTRY OF FINANCE (REVENUE DIVISION)

## CUSTOMS

New Delhi, the 18th January 1952

**S.R.O. 114.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications on the subject, the Central Government hereby appoints the officer or officers specified in the third column of the Schedule hereto annexed to be Customs Collectors for the port or ports specified against their names in the corresponding entry in the second column thereof and to exercise the powers conferred and perform the duties imposed by the said Act upon a Customs-collector.

*Schedule*

Serial No.	Port or Ports	Designation of officer or officers
1	Calcutta . . . . .	All Assistant Collectors of Customs serving in the Calcutta Custom House.
2	Port Blair . . . . .	The Shipping Officer, Port Blair.
3	Car Nicobar . . . . .	The Assistant Commissioner, Nicobar Island.
4	All Customs ports situated in the State of Orissa.	The Assistant Collector of Central Excise, Puri Division of the Calcutta Central Excise Collectorate.
5	Madras . . . . .	All Assistant Collectors of Customs serving in the Madras Custom House.
6	Cochin . . . . .	The Collector of Customs, Cochin.
7	All Customs ports except Madras situated in the State of Madras and all Customs ports except Cochin situated in the State of Travancore-Cochin.	(i) The Headquarters Assistant to the Collector of Central Excise, Madras. (ii) The Assistant Collectors of Central Excise in charge of Divisions in the Madras Central Excise Collectorate for Customs ports situated within their respective Divisions.
8	Bombay . . . . .	(i) The Deputy Collector of Customs, Bombay. (ii) All Assistant Collectors of Customs serving in the Bombay Custom House.
9	All ports, except the port of Bombay, and the ports in the Districts of Ahmedabad, Kaira, Broach, Surat, Thana and Amreli, situated in the State of Bombay.	(i) The Headquarters Assistant to the Collector of Central Excise, Bombay. (ii) The Assistant Collectors of Central Excise in charge of Divisions in the Bombay Central Excise Collectorate for Customs ports situated within their respective Divisions.
10	All ports situated in the Districts of Ahmedabad, Kaira, Broach, Surat and Thana in the State of Bombay.	(i) The Deputy Collector of Central Excise, Baroda. (ii) The Assistant Collectors of Central Excise in charge of Divisions in the Baroda Central Excise Collectorate for Customs ports situated within their respective Divisions.
11	All ports situated in the States of Saurashtra and Kutch and all ports situated in the Amreli District of the State of Bombay.	The Superintendents and Deputy Superintendents of Customs, the Inspectors in charge of ports, and the Supervisors in charge of Custom Houses, in the Saurashtra Customs Collectorate, and the Deputy Superintendent of Central Excise, Amreli for all Customs ports situated within their respective charges.

**S.R.O. 115.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications on the subject, the Central Government hereby appoints each of the Officers specified in the second column of the Schedule hereto annexed to be the Chief Executive Officer of Sea Customs and Customs-collector for the port or ports specified against his name in the corresponding entry in the third column thereof, and to exercise the powers conferred and performed the duties imposed by the said Act on such officers.

*Schedule*

Serial No.	Designation of Officer	Port or Ports
1	The Collector of Customs, Calcutta.	The port of Calcutta and the ports of Port Blair and Car Nicobar in the Islands of Andaman and Nicobar.
2	The Collector of Central Excise, Calcutta.	All ports situated in the State of Orissa.
3	The Collector of Customs, Madras.	The ports of Madras and Cochin.
4	The Collector of Central Excise, Madras.	All ports except Madras situated in the State of Madras and all ports except Cochin situated in the State of Travancore-Cochin.
5	The Collector of Customs, Bombay.	The port of Bombay.
6	The Collector of Central Excise, Bombay.	All ports except Bombay and the ports in the Districts of Ahmedabad, Kaira, Broach, Surat, Thana and Amreli, situated in the State of Bombay.
7	The Collector of Central Excise, Baroda.	All ports situated in the Ahmedabad, Kaira, Broach, Surat and Thana Districts of the State of Bombay.
8	The Collector of Central Excise, Jamnagar.	All ports situated in the States of Saurashtra and Kutch and all ports situated in the Amreli District of the State of Bombay.

[No. 6.]

**S.R.O. 116.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby appoints the Superintendent of Central Excise in charge of the Vapi Circle of the Baroda Central Excise Collectorate and all Deputy Superintendents, Inspectors, Assistant Range Officers and Peons borne on the Establishment of the Baroda Central Excise Collectorate, who are for the time being posted to a Custom House, to be officers of Customs and to exercise the powers conferred and perform the duties imposed by the said Act on such Officers.

[No. 7.]

**S.R.O. 117.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendments shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 78-Customs, dated the 19th August 1950, namely:—

In the said notification:—

- (i) for the word "Tellicherry" the word "Cannanore" shall be substituted.
- (ii) after the word "Mangalore", the words "Tanuku, Tenali, Madhurai, Tiruchirapalli" shall be added.

[No. 8.]

**S.R.O. 118.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 76-Customs, dated the 19th August 1950, namely:—

In the said notification, for the word "Ganjam" the word "Balasore" shall be substituted.

[No. 9.]

**S.R.O. 119.**—In exercise of the powers conferred by clause (c) of section 157 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following rule:—

A vessel arriving at any Customs-port in India with dutiable stores on board shipped at a foreign port may, when she is transferred to the regular coasting trade, carry such stores on payment of the duty chargeable thereon; provided that if they are intended for consumption after the vessel shall have re-entered the foreign trade, and shall have ceased to be a coasting vessel, such stores may be carried without payment of duty on their being sealed up under Customs seal kept unbroken until the vessel has obtained entry outwards for a foreign port.

2. The following notifications are hereby cancelled:—

- (1) Notification of the Government of Bombay No. 4497-E, dated the 25th May 1892, published in the Bombay Government Gazette, 1892, page 467.
- (2) Notification of the Government of Madras No. 420, published on page 831 of the Fort St. George Gazette, Part I, dated the 6th October 1908.
- (3) Notification of the Government of India in the Ministry of Finance (Revenue Division) No. 92-Customs, dated the 9th September 1950.

[No. 10.]

**S.R.O. 120.**—In exercise of the powers conferred by clause (b) of section 157 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications on the subject, the Central Government hereby makes the following rule:—

The provisions of section 132 of the Sea Customs Act 1878 (VIII of 1878), relating to transhipment of provisions and stores without payment of import duty shall not apply to coasting vessels of any kind.

[No. 11.]

E. RAJARAM RAO, Joint Secy.

## MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 17th January 1952

**S.R.O. 121.**—*Corrigendum.*—In the Government of India, Ministry of Commerce and Industry Notification No. S.R.O. 1968, published at pages 1459 to 1462 of Part II Section 3 of the *Gazette of India, Extraordinary*, dated the 7th December, 1951, for the word "Garilla" printed under column 3 against item 2 under Madhya Bharat State read "Jarilla".

[File No. 44(25)-CT(A)/51.]

New Delhi, the 19th January 1952

**S.R.O. 122.**—In pursuance of sub-clause (b) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby authorises the District Magistrates of the districts of Lakhimpur Kheri, Bahraich, Gonda, Basti and Gorakhpur in the State of Uttar Pradesh, to perform the functions of an Export Trade Controller under sub-clause (d) of clause 7 of the said Order.

[File No. 16(29)-CT(A)/51.]

Bombay, the 21st January 1952

**S.R.O. 123.**—In exercise of the powers conferred on me by sub-clause (1) of Clause 3 of the Cotton Control Order, 1950, I hereby direct that the following

further amendment shall be made in the Notification of the Textile Commissioner No. S.R.O. 1618, dated the 20th October, 1951, namely:—

In the said Notification, in Schedule B, after the entries relating to the Districts of Kaira, Panch Mahal, Baroda and Broach (excluding Ankleshwar Taluka) of the Bombay State, the following entry shall be added, namely:

1	2	3	4	5	6
Uttar Pradesh	...	Bengal Deshi	...	Fully good	Rs. 645/- per candy of 784 lbs.

[No. 44(25)-CT(A)/51(x).]

**S.R.O. 124.**—In exercise of the powers conferred upon me by Clause 6 of the Cotton Control Order, 1950, I hereby direct that the following further amendment shall be made in the Notification of the Textile Commissioner No. S.R.O. 1793, dated the 21st November, 1951, namely:—

In the Schedule appended to the said Notification after the entry "The Districts of Kaira, Panchmahal, Baroda and Broach (excluding Ankleshwar Taluka) of the Bombay State" the following entry shall be added, namely:—

"Uttar Pradesh".

[No. 44(25)-CT(A)/51(xi).]

*New Delhi, the 26th January 1952*

**S.R.O. 125.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Control Order, 1950, namely:—

In the said Order—

1. In sub-clause (1) of Clause 9B:

(a) in item (a)(i) after the words "cotton seasons" the figures "1946-47, 1947-48", shall be inserted;

(b) in item (b):

(i) for the figure "1,500" the figure "1,000" shall be substituted;

(ii) for the word, brackets and letters "sub-clause (a)(ii)" and "sub-clause (a)(i)" the word, brackets and letters "item (a)(ii)" and "item (a)(i)" respectively shall be substituted;

(c) for item (c) the following item shall be substituted, namely:—

"(c)(i) carried on business in cotton in any of the areas specified by the Textile Commissioner in this behalf during any of the cotton seasons 1946-47, 1947-48, 1948-49, 1949-50 and 1950-51; or

(ii) is a Co-operative Society registered under the Co-operative Societies Act, 1912, or any corresponding law in force in any State;"

2. In clause 5 of Form 'A'—

(a) in the first paragraph for the words "purchase cotton" and "sell, hypothecate or pledge cotton" the words "purchase Indian cotton" and "sell Indian cotton" shall respectively be substituted;

(b) in the second paragraph for the words "purchase cotton" and "sell cotton", the words "purchase Indian cotton" and "sell Indian cotton" shall respectively be substituted;

(c) in the third paragraph—

(i) for the words "purchase cotton" and "sell cotton" the words "purchase Indian cotton" and "sell Indian cotton" shall, respectively, be substituted; and

(ii) after words and letter "a 'B' class licensee", the words and letter "or an 'A' class licensee" shall be inserted.

[No. 44(25)-CT(A)/51(XII).]

Bombay, the 26th January 1952

**S.R.O. 126.**—In exercise of the powers conferred on me by sub-clause (1) of clause of the Cotton Control Order, 1950, I hereby direct that the following further amendments shall be made in the Textile Commissioner's Notification No. S.R.O. 118 dated the 20th October, 1951, namely:—

In the Schedule 'A' appended to the said Notification:—

- (i) Against the entry 'Jarilla' in column 1, the figure '70' shall be inserted in column 7 below the heading 3/32".
- (ii) Against the entry 'Upland' in column 1, the figures '70' and '100' shall be inserted in column 7 below the headings 3/32" and 4/32" respectively.
- (iii) In the note—
  - (a) after the words "if they conform to" the words, letters and brackets "the conditions (ii), (iii) and (iv) contained in" shall be inserted.
  - (b) after item (iv) the following items shall be added, namely:—

- |  |   |  |
|--|---|--|
| (v) Jarilla<br>Buri 107<br>Malvi 9     | } | Rs. 29/- per candy over Jarilla of Column 1.                           |
| (vi) Punjab<br>American<br>L.S.S. R.G. | } | Rs. 50/- per candy over Punjab American<br>L. S. S. R. G. of Column 1. |
| (vii) Parbhani<br>American             | } | Rs. 50/- per candy over Parbhani American<br>of Column 1"              |

T. SWAMINATHAN, Textile Com.

[No. 44(25) CT(A)/51(XIII)]

S. A. TECKCHANDANI, Under Secy.

New Delhi, the 18th January 1952

**S.R.O. 127.**—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 499, dated the 2nd September 1950, in so far as it relates to the fixation of maximum prices of bicycles, namely:—

For the Schedule annexed to the said notification, the following Schedule shall be substituted:—

#### Schedule

Goods	Maximum retail price
(1)	(2)

#### BICYCLES—

Hind Bicycle:—

- |                                  |                          |
|----------------------------------|--------------------------|
| (a) Gents'—22" or 24"—single bar | Rs. 143-8-0 per bicycle. |
| (b) Gents'—22" or 24"—double bar | Rs. 148-8-0 per bicycle. |
| (c) Ladys'—curved bar            | Rs. 143-8-0 per bicycle. |
| (d) Juvenile—20"                 | Rs. 153-8-0 per bicycle. |

Hercules India Bicycle . . . . . Rs. 205-0-0 per bicycle.

Bicycle of any other make . . . . . The price prevailing on the 15th of June 1950 in the locality where the dealer or producer is carrying on business.

Provided that—

(a) in the case of a Hind bicycle—

- (1) the maximum price is exclusive of the cost of saddle and accessories such as stand, carrier, tool box and light.
- (2) the maximum price at any place other than Bombay may exceed by a sum equal to the amount of freight paid or payable for the transport of the bicycle by goods train from Bombay to the place of sale.
- (3) the maximum price specified in column 2 is exclusive of any sales tax, octroi, and any other local tax, impost or cess which may be charged extra.

(b) in the case of a Hercules India bicycle—

- (1) the maximum price is inclusive of the cost of saddle, but exclusive of the cost of accessories such as stand, carrier, tool box and light.
- (2) the maximum price at any place other than Madras may exceed by a sum equal to the amount of freight paid or payable for the transport of the bicycle by goods train from Madras to the place of sale.
- (3) the maximum price specified in column 2 is exclusive of any sales tax, octroi, and any other local tax, impost or cess which may be charged extra.

[No. 3(7)-PC/51.]

C. R. NATESAN, Dy. Secy.

### MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 17th January 1952

**S.R.O. 128.**—In exercise of the powers conferred by clause 3 of the Sugar and Salt Control Order 1950, the Central Government is pleased to direct that the Ministry of Food and Agriculture Notification No. S.R.O. 50, dated 7th January, 1952, shall be amended as under:—

After the words "in the villages of" for the words "Kheri and Gollarahalli" read "Kheri, Gollarahalli, Danakanakén, Mariyamma, Vaballi and Maricammanaballi".

[No. SV-101(1)/51-52.]

**S.R.O. 129.**—*Corrigendum.*—In the Notification No. S.R.O. 1598, dated the 18th October, 1951, published in the *Gazette of India Extraordinary*, dated the 18th October, 1951, the following corrections should be made:—

1. In proviso IV—

For "factor" in the first line, read "factory".

2. In explanation (3) to schedule IV—

For "Deshi Sugar Mills Ltd., Deoria" against Serial No. 5 under U.P. East, read "Deoria Sugar Mills Ltd., Deoria".

[No. SV-101(1)/51-52.]

P. A. GOPALAKRISHNAN, Joint Secy.

New Delhi, the 17th January, 1952

**S.R.O. 130.**—In pursuance of the provisions of sub-section (t) of section 4 of the Indian Central Oilseeds Committee Act (IX of 1946), the Central Government is pleased to nominate Shri P. A. Gopalakrishnan I.C.S., Joint Secretary and Vegetable Oil Products Controller for India, Ministry of Food and Agriculture to be a member of the Indian Central Oilseeds Committee vice Shri N. T. Mone, I.C.S., resigned.

[No. F.3-7/50-Com.]

S. K. GHOSE, Under Secy.



*New Delhi, the 28th January 1952*

**S.R.O. 131.**—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1948 (XXIV of 1948), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Food and Agriculture No. S.R.O. 1151, dated the 28th July, 1951.

In the said Notification after the letter and brackets '(C)', the letter and brackets '(d)' shall be inserted.

[No. CG-604/23-I.]

P. G. ZACHARIAH, Dy. Secy.

## MINISTRY OF EDUCATION

### ARCHÆOLOGY

*New Delhi, the 16th January 1952*

**S.R.O. 132.**—In exercise of the powers conferred by sub-section (3) of section 3 of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Central Government hereby confirms its Notification in the Ministry of Education No. D.4633/51-A.2, dated the 13th August, 1951 declaring the ancient Monument (Jumma Masjid at Sidhpur, District, Mehsana), described in the Schedule annexed thereto to be a protected monument within the meaning of the said Act, no objections to the issue of the same having been received within the time mentioned in sub-section (2) of that section.

[No. D.4633/51-A.2.]

B. CHATTERJEE, Under Secy.

## MINISTRY OF TRANSPORT

### PORTS

*New Delhi, the 15th January 1952*

**S.R.O. 133.**—In exercise of the powers conferred by sections 5 and 6 of the Bombay Landing and Wharfage Fees Act, 1882 (Bombay Act VII of 1882), as applied to the Port of Kandla by the Notification of the Ministry of Transport No. 14-P(89)/49-1, dated the 29th June 1950, the Central Government hereby fixes the fee to be levied on "through booked parcels" passing through the Timber Jetty of the Port of Kandla at As. -/5/- per Bengal maund and directs that the levy of such fee shall be made by the Development Commissioner of the said port or any officer deputed by him for the purpose.

[No. 14-P(89)/49.]

C. PARTHASARATHY, Under Secy.

## MINISTRY OF REHABILITATION

*New Delhi, the 28th November 1951*

**S.R.O. 134.**—In pursuance of sub-section (2) of section 19 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), it is hereby notified for general

information that the persons whose names and addresses are noted below have been declared as intending evacuees under sub-section (i) of section 19 of the said Act.

S. No.	Name	Address
17.	Mohd. Ishaq, S/o Mohd. Hussain, Caste Sheikh.	Tin Merchant, Prop. Mohd. Sultan, Mohd. Usman, Sarai Hafiz Banna (New Market) Saddar Bazar, Delhi.

[No. I(8).]

U. S. DIKSHIT,  
Custodian of Evacuees Property.

*New Delhi, the 6th December 1951*

**S.R.O. 135.**—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit system Rules, 1949, namely:—

“In the said Rules—

(a) In Rule 3, the second paragraph of clause (iii) shall be omitted.

(b) after clause (iii) as so amended, the following clauses shall be inserted, namely:—

“(iii-A). A certificate of identity issued under clause (ii) shall be valid for such period not exceeding three months as may be specified therein;

Provided that in the case of—

(a) employees of corporate bodies or firms who are transferred from their Head Office in India to a branch office in Pakistan; or

(b) students proceeding from India to Pakistan for the purpose of prosecuting their studies in that country;

a certificate of identity shall be valid for such period not exceeding one year as may be specified therein.

(iii-B). The holder of a certificate of identity shall not stay in Pakistan beyond the period stated in the certificate unless the period of stay in Pakistan is extended in writing by the High Commissioner or the Deputy High Commissioner for India in Pakistan on an application made in this behalf at least fourteen days before the expiry of the period of validity of the certificate.”

[No. III/PMT(X-1)/51(14).]

V. D. DANTYAGI, Joint Secy.

## MINISTRY OF LABOUR

*New Delhi, the 16th January 1952*

**S.R.O. 136.**—*Corrigendum*—In the notification of the Government of India in the Ministry of Labour No. S.R.O. 1512, dated the 24th September 1951, printed on pages 1671-1673 of Part II, Section 3 of the Gazette of India, dated the 29th September 1951, for the words 'The Labour Inspector (Central) Allahabad' occurring in column 1 of page 1671, substitute the words 'The Conciliation Officer (Central), Allahabad'.

[No. LWI-24(60).]

P. N. SHARMA, Under Secy.

*New Delhi, the 16th January 1952*

**S.R.O. 137.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of the Chairman, Central Government Industrial Tribunal, Dhanbad, in regard to the two applications under sections 33 and 33-A of the Act respectively, in respect of Shri K. N. Lal, Assistant, Oriental Security Life Assurance Company Limited, Patna Branch.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

#### PRESENT

Shri S. P. Varma, B.A., Barrister-at-law, *Chairman*.

#### PARTIES

The Oriental Government Security Life Assurance Company Limited, Patna Branch.

#### *Versus*

Shri Keshri Nandan Lal, Assistant, Patna Branch.

*Regarding applications under Section 33 and 33A of the Industrial Disputes Act, 1947 arising out of Reference No. 12 of 1950.*

#### AWARD

These two applications are under Section 33 of the Industrial Disputes Act, 1947 by the management and Section 33A of the Industrial Disputes Act 1947 by Shri Keshri Nandan Lal. The case of the management is that Shri Lal was engaged as an Assistant in the clerical grade at Patna Branch office from 20th August 1946. In October 1948 and July 1950 he was warned and reprimanded respectively for certain defects in his work.

2. On 20th September 1950 Shri Lal had received a sum of Rs. 68 from one Shri A. N. Prasad towards the deposit of first premium under the proposal for assurance secured by him on the life of the said Shri A. N. Prasad and his wife. For this Shri Lal gave a receipt on 28th December 1950 for a sum of Rs. 68 which was deposited as first premium for a proposal of Rs. 5,000. This receipt is Ex. 'A' of this Tribunal. Four months later the said Shri Prasad complained to the Branch Secretary, Patna Branch, that he had not received an official receipt for the said amount. Shri K. N. Lal was sent for by the Branch Secretary and questioned about this matter. At first he denied having realised any money but later on admitted having realised Rs. 20 only and not Rs. 68. On being asked by the Branch Secretary to deposit that sum of Rs. 20 he promised to pay within a day or two but failed to do so. The Branch Secretary made enquiries from the said Shri A. N. Prasad who produced a writing (Ex. A.) of this Tribunal, dated 28th December 1950 passed on to him by Shri Lal. Thereupon the Branch Secretary

summoned Lal and charged him in the presence of several officers of the company for having misappropriated the money and given him receipt only on 28th December 1950 and not having deposited such sum with the company, having at first denied having received any money from the proposer and later having admitted having received Rs. 20 only. Then in the presence of several officers of the management he gave a note Ex. A of the company's statement which runs as follows:

"I have taken money from the party when I booked the case but I could not deposit the amount. I shall deposit the money (Rs. 68) by the 12th February 1951".

This letter is dated 7th February 1951. He actually paid the money (Rs. 68) to the company on 9th February 1951. On receipt of this information he was put under suspension. The company prays that on account of Shri Lal's bad record previously and the present misappropriation of the sum of Rs. 68 the company should be permitted to dismiss the said employee Shri K. N. Lal from the service of the company from the date of suspension namely 26th February 1951.

3. The Union on behalf of Shri Lal has submitted a written statement saying that his previous record was quite good so much so that he was confirmed within 4½ months and although he received a warning he got an increment in his salary. They also dilate upon the fact that other people had committed similar mistakes but they were not punished. Moreover, the admission that he made in his letter dated 7th February 1951 was in the hope that he would be reinstated. For this purpose the Union refer to letter, dated 28th February 1951 which is Exhibit A attached to their statement. They further argue that whatever offence he has committed it was in the capacity of an agent and not in the capacity of an employee of the company. The utmost that the company can do is to suspend his agency. The company however to this part of the argument replied that it was only as an assistant that he was appointed as an agent. Being both as an assistant as well as an agent his action as an agent does not redound to his credit as an assistant. The fact that he took the money from the proposer and did not deposit with the company till 9th February 1951 shows a serious breach of faith in him and looks very much like a case of temporary embezzlement.

4. Witnesses have been examined in this case. Shri K. N. Lal has made his statement on oath. He has given some instances in which according to him the company in similar circumstances did not take any steps. Shri Lal thought that on account of certain illness in his family it was not a very serious matter. Shri M. Gupta, Chief Assistant, Oriental Government Security Life Assurance Company Limited Patna Branch was also examined by the employee. He refuted the suggestion that Ex. A of the Union's written statement was drafted by him. He also pointed out that Rule 33(6) of the pamphlet known as "Instructions and Hints to Agents" and emphasises the fact that the first premium has to be deposited with the company at once. This pamphlet is Ex. 2 of this Tribunal. In fact although Shri Gupta was examined on behalf of the employee he to a very great extent supports on oath the case of the employers.

5. On the materials before me I have no doubt that Shri K. N. Lal did not deposit the sum of Rs. 68 received by him from the proposer Shri A. N. Prasad till a complaint was made by Shri A. N. Prasad and he was questioned by the Branch Secretary. It is a very undesirable conduct on the part of Shri K. N. Lal and I am of opinion that the company is justified in praying for the removal of Shri K. N. Lal from service. But as the money has already been paid and in the early stages of this matter he admitted having received the money, I think permission for dismissal is not desirable. He may be discharged.

6. The next question that arises is as to the date of his discharge. I think he should be discharged from 28th June 1951 the date of application of the company in this matter. He is entitled to subsistence allowance however which I would allow from the date of his suspension to the date of his discharge at the rate of 50 per cent. of his salary including dearness allowance.

7. Coming now to the next petition under Section 33A of the Industrial Disputes Act 1947 I am afraid this petition is incompetent in as much as it has been held in cases mentioned below that an order of suspension does not amount to a punishment.

1, Vol. I, 1951, L.L.J., page 37 at page 39.

2 Vol. I, 1951, page 491, in the dispute between the Bally Jute Mills and Bally Jute Mill Workers Union.

Following these cases I reject this application under section 33A

I therefore give my award in terms aforesaid.

S. P. VARMA, *Chairman*,  
Central Government's Industrial  
Tribunal, Dhanbad

Seal of

CENTRAL GOVERNMENT'S INDUSTRIAL

TRIBUNAL, DHANBAD;

Dhanbad, dated 29th December, 1951.

[No. LRI-90(7)/I.]

N. C. KUPFUSWAMI, Under Secy.

*New Delhi, the 18th January, 1952*

**S.R.O. 138**—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby directs that the following further amendment shall be made in the Coal Mines Provident Fund Scheme published with the notification of the Government of India in the Ministry of Labour No. PF.15(5)/48, dated the 11th December, 1948, namely:—

1. In the said Scheme—

After the proviso to sub-paragraph (2) of paragraph 61, the following new proviso shall be added, namely:—

"Provided further that the rate of interest to be allowed on claims for refund for the broken period of currency of Cards shall be the rate fixed for the financial year in which the payment is actually made".

[No. PF.5(21)/51.]

SADASHIVA PRASAD, Dy. Secy

*New Delhi, the 18th January 1952.*

**S.R.O. 139**—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendment shall be made in the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely:—

*Amendment*

After rule 21A of the said Rules, the following rule shall be inserted, namely:—

"21B. Fees for copies of awards or other documents of Tribunals.

(1) Fees for making a copy of an award of a Tribunal or any document filed in any proceeding before a Tribunal shall be charged as follows:—

(a) for the first 200 words or less, 12 annas.

(b) for every additional 100 words or fraction thereof, 6 annas.

(2) For certifying a copy of any such award or document, a fee of Re. 1 shall be payable.

(3) Copying and certifying fees shall be payable in cash in advance.

(4) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable."

[No. LR.1(199).]

*New Delhi, the 21st January 1952*

**S.R.O. 140.**—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby makes the following amendments to the Payment of Wages (Coal Mines) Rules, 1949, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

#### *Amendments*

In the said rules—

1. Throughout the said rules except in sub-rule (2) of Rule 1, for the words "coal mine" or "coal mines", wherever they occur, the word "mine" or "mines", as the case may be, shall be substituted.

2. For sub-rule (2) of rule 1, the following sub-rule shall be substituted, namely:—

"(2) These rules apply in respect of the payment of wages to persons employed either by the owner or by a contractor engaged by the owner in any mine, other than a manganese mine, to which the Indian Mines Act, 1923 (IV of 1923), applies."

3. After sub-rule (2) of rule 1, the following shall be inserted, namely:—

"(3) They extend to the whole of India, except Part B States."

4. For clause (f) of rule 2, the following shall be substituted, namely:—

"(f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine:

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals."

[No. Fac. 52(8).]

#### **ORDERS**

*New Delhi, the 16th January 1952*

**S.R.O. 141.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers, namely Messrs Dhanji Devjee and Sons, Jharia and their workmen;

And whereas the Central Government considers it desirable to refer for adjudication certain matters connected with, or relevant to, the said dispute;

Now, therefore, in exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers to the Industrial Tribunal at Dhanbad constituted under section 7 of the said Act the matter specified in the Schedule being matter connected with, or relevant to, the said dispute.

#### *Schedule*

Reinstatement of Messrs Kherati Meah, Achhut Mahato, Hanif Mian and Sifayat Mian who have been dismissed by the employers Messrs Dhanji Devjee and Sons, Jharia.

[No. LR-2(360).]

*New Delhi, the 19th January 1952*

**S.R.O. 142.**—Whereas the Central Government is of opinion that an industrial dispute exists between the Nationale Handelsbank N. V. and its workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Calcutta constituted under section 7 of the said Act.

*Schedule*

Whether the dismissal from service of Shri M. S. Desai from the Bombay Branch of the Bank on or about the 25th April 1951 was justified and if not what relief should be granted to him.

[No. LR 90(131).]

S. NEELAKANTAM, Dy. Secy.

